LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

(ISSN: 2583-7753)

Volume 2 | Issue 1

2024

© 2024 LawFoyer International Journal of Doctrinal Legal Research

Follow this and additional research works at: www.lijdlr.com
Under the Platform of LawFoyer – www.lawfoyer.in

After careful consideration, the editorial board of LawFoyer International Journal of Doctrinal LegalResearch has decided to publish this submission as part of the publication.

In case of **any suggestions or complaints**, kindly contact info.lijdlr@gmail.com

To submit your Manuscript for Publication in the **LawFoyer International Journal of DoctrinalLegal Research,** To submit your Manuscript Click here

ROLE AND IMPACT OF ARTIFICIAL INTELLIGENCE IN JUDICIARY

Sukriti Gupta[1]

Technology has completely changed human working. In today's time we are more or less dependent on technological developments. "Artificial Intelligence", the most commonly used term in past 3 years does not need a long-lectured description. Since the time a pandemic has hit the world hard, the use of technology in almost all its form have evolved round the corner. At that time, the most flourishing field of technological advancement which impacted the world in its fullest was the field of Artificial Intelligence. When we talk about Legal System of across the world, the concept of AI in it has rapidly increased. Many countries in the current time have adopted AI to facilitate their Judicial System. If we throw light on the impact of technology in different spheres, we would get a very overwhelming picture of how advantageous technology is, whether it's in Primary, Tertiary, or Secondary Sector of any nation. However, when we discuss about the role and impact of Artificial Intelligence in Judiciary, it is perhaps difficult to choose whether AI is acting as boon or bane in this complex system of Justice giving field. It also becomes difficult to predict how long will AI sustain in Judiciary and how well it will expand itself in the coming times. In this article we'll primarily analyse how our Judicial system has adopted Artificial Intelligence and what are its positive and negative impacts on it.

Keywords- *Artificial Intelligence; Judicial System; technology advancement; Judiciary; Primary, Tertiary or Secondary Sector.*

I. INTRODUCTION

We are living in 21st century. Most of us are aware what exactly the idea of AI is. In layman language if we define AI, it is nothing but a form of technological software that performs specific tasks on the demand its user to ease their workload and enhance the speed and quality of work.

Judiciary is considered to be the most imperative, yet complex field of organs of the government. It is one of the 3 most essential organs of the government that keeps a check on the other two i.e., Executive and Legislature. Without Judiciary, it will become nearly

[1] BALLB 2nd YEAR Student.

© 2024. LawFoyer International Journal of Doctrinal Legal Research (ISSN: 2583-7753)

impossible to govern any country in its most effective form without absolute arbitrariness. In a country like ours, where there is huge diversity of people in terms of their versatility based upon various criteria like gender, class, caste, religion etc, it becomes challenging to create an umbrella above their head to govern them with that single unified law prescribed by our Constitution. Due to vast population many disputes arise that create a burden on our Judicial System, because of which in today's date, nearly around 4.5 Crores of cases are pending before various Courts of our country. Yet, people have their full reliance on the Justice giving system of the country. This belief and faith have been gained by our Judiciary over years and years. However, there is no doubt that our Judiciary have certain loopholes too that needs to be fixed in order to enhance its functioning to keep the trust of the citizens alive. Almost 3 years have passed since the pandemic hit the globe. It has taught us the use and benefits of technology to help us to deal with various challenges and shortcomings in our lives. Likewise, our judicial system has also updated itself to this arena of new technological advancement to overcome with its own challenges and shortcomings. It has adopted many measures to seek the advantages of AI in its field. This adoption of AI in Judiciary will have 360-degree effect, be it its strength or weakness.[2]

II. ADOPTION OF ARTIFICIAL INTELLIGENCE IN COURTS

Imagine judges working 24/7 with their full capacity, sitting in courts throughout the day hearing the matters. Is it possible to open the courts 24/7? Is it possible to for the Judges to work all day? I guess the answer is in non- affirmative. The number of pending cases is more than the current number of Judges which leads to over burdening of the cases. Here the use of AI takes place. "SUPACE" a recently launched AI tool, helps the judges by giving them researched data which includes brief and relevant information on the facts, laws related to the case. It not only saves time but also helps in having a more correct and effective analysis of the dispute. Analysis of these information reduces the burden on the judges and curtail the unnecessary delays in the judgement.[3]

[2] Ulenaers Jasper, *The impact of artificial intelligence on the right to a fair trial: Towards a robot judge?,* 11(2) ASIAN JOURNAL OF LAW AND ECONOMICS, (2020).
[3] Webcast.gov in., https://webcast.gov.in/events/MTI1MQ (last visited June 20, 2023).

During pandemic various courts including the Apex Court were working in offline mode. Nowadays also it is seen that various courts are still following the same trend of offline hearings. Several E-Courts including NCLT, NCLAT, NCDRC are using the potential benefit of technology by working in online mode. This kind of functioning of courts is very judicious in terms of time and money saving. There are people who can't afford daily up and down to the courts for their matters. So here, working of E-Courts helps. It becomes more trouble free for most of the people to attend the dates of their cases in online rather than in offline mode.

The records of the cases are now being maintained by computers with help of AI Algorithms. Bundles of files are slowly replaced by the data inserted in the computers. All the evidences, arguments, E-filing of Petitions in Supreme Court etc are brought on record and are assembled in machine readable form which can be accessed anytime anywhere. This enhances the accessibility of documentary information.

A web portal of all courts was launched which helps to provide information regarding case status, cause list of the cases lined up of hearings. Various law firms take the advantage of this in maintaining their cause list and checking the case status in prior basis to prepare for their next hearing accordingly. Firms practicing litigation are immensely benefited by E-Courts and online portal of Courts.

III. ROLE OF AI AS A JUDGE

AI is simply trying to enable technology to think and process like human minds. Not only machines like robots but also the software involved in the gadgets are potentially made to run with the help of technology of Artificial Intelligence. But AI can only enable machines to 'Work like human beings' and not 'Think like human beings.' This arises the question of "Role of AI as the next potential Judge". The job of a Judge is quite a complex one. When it's about delivering a most reasonable and unbiased judgement, the role of the judge becomes the most imperative one. Any decision or judgement involves critical thinking, deep analysis, sound reasoning, reasonable justification, future impact, fairness, and what not.[4]

[4] SourdinTania, *Judge V Robot? : Artificial intelligence and judicial decision-making*, The 41(4) UNIVERSITY OF NEW SOUTH WALES LAW JOURNAL 1114, 1114-1133, (2018).

In today's times a dispute redressal mechanism other than litigation, is growing its feet. The cases could be handled with the help of an alternate method through 'Arbitration', 'Mediation', & 'Negotiation'. In this method of tackling cases, AI plays a great role. It analyses the scenario of the dispute with help of the facts and evidence of the case and then provides with a negotiation plan with estimate compensation or damages to be given to the parties. So basically, it provides with a roadmap to resolve the dispute without the involvement of courts and judges. Whole of this process is controlled by AI algorithms. This definitely is pocket friendly to the parties and indeed saves their time and reduces the burdening on the courts. However, it is non-binding on the parties to follow this AI controlled method and hence they can seek courts and judges' involvement in their dispute as per their desire.

Petty matters could be solved with the assistance of AI. Online challans pertaining to breach of traffic rules could be manages by AI software. It checks information like license of the driver, license of the vehicle, speed of the vehicle, recorded video of violating traffic rules, etc. and with the use of these evidences, a punishment is assigned to that person in form of challans/ fines or jail. Close to, about 3000-4000 E-Challans are being issued each day. This process eliminates the role of Judges in hearing these petty matters and they can easily devote time to hear much more important and grievous cases.

IV. IMPACT OF AI IN COURTROOMS

We have discussed several examples of how AI is interfering in Judicial decision making, be it its involvement in Courts or its involvement in the Chair of the Judges. These involvements are rapidly increasing. Now the question arises that "Can AI replace the former system of Judiciary?"

"Can it replace Courtrooms?". The answer to these questions could be in both YES and NO. We are currently witnessing the rapid increase of Artificial Technology in current legal systems across the world. This massive involvement of AI in Judiciary clears the doubt that it definitely has the potential to replace the traditional system of judicial decision making. The concept of Offline Courts is being rapidly replaced by E-Courts. People prefer E- hearing of the matters for their ease and comfort. Likewise, they also prefer filing of documents through online portals. These ways of adopting AI serves to of great advantages. Most primarily, it surely will accelerate pronouncement of the cases and Judgement delivery will

favourably influence the undecided cases in the courts. This current scenario is slowly overshadowing the said "former system of Judiciary". It is to an extent imperative to change the traditional system of Judiciary because with time, everything needs to be evolved to follow the track of current pace of the world.[5]

But every coin has two sides. If replacement of courtrooms could be beneficial, it could have some negatives as well attached to it. When we talk about ease of local people, advocates, and judges in hearings of E-courts, but we cannot neglect that there are still many people who are not technologically sound even in the 21st century. This gives a disadvantage to AI in Judiciary. People of rural areas are not well equipped with online systems so it becomes challenging for them to access E-courts. They are only comfortable with physical sittings of courts. Many advocates and lawyers don't know how to file appeals, petitions, evidence on web portals of the courts. They are not taught how to do these documentation work in online mode. Therefore, for people who are not accessed with technology, AI takes a back seat in their justice giving mechanism i.e., Judiciary. At grassroot level, especially in district courts of rural areas, there is still a huge bridge between technology and people. Hence, it's not completely reasonable to replace courtrooms with AI because there are people who still and will rely on offline working of courts no matter how strongly AI has developed itself in the field of Judiciary.[6] However, AI can definitely supplement the working of courtrooms.

V. IMPACT OF AI ON JUDGES

Whole of this discussion takes us to the next debate of "Judges Vs Robots". Is this even correct to argue about this or even compare Judges with Robots? Does AI have the capability to take seat of the Judge in the courts? If yes, would it would be reasonable to let it happen? What impact would it lead to?

We have discussed the roles played by AI as a Judge. We all know that it wouldn't be wrong to say that the work done by AI is of great help in forms of ADR, deciding pecuniary matters for reducing the burden of Judges etc. But as stated above, Robots can be asked to work like human beings but not think like human beings. The job of a judge is to deliver the utmost

[5] Campbell R. Worthy, *Artificial intelligence in the courtroom: The delivery of justice in the age of machine learning,* LJ 18 COLO. TECH 323, 323-348, (2020).
[6] Zeleznikow John, *Can artificial intelligence and online dispute resolution enhance efficiency and effectiveness in courts,* 8 IJCA 30, 30-45, (2017).

correct judgement keeping in mind its constitutionality, fairness, compassion, social impact on the society. A judge needs to think and analyse each and every scenario and make sure no stone is unturned while propounding any decision. Saying that AI will be the next potential step towards elimination of judges would be too early to say. Especially in a country like ours where people have their full faith in Judicial process, it becomes way more challenging to completely handover the Justice giving field in the hands of Artificial Intelligence in the near future. No matter how progress AI has made, it cannot be put at the pedestrian of human beings. The whole process of hearing a case and delivering a judgement induces may nuances. Emotions of the humans cannot be either interpreted or analysed by any intelligence software. Over intelligence might sometimes lead to inaccurate judgments. At times, the laws need to twisted and interpreted in a different way from the core law in order to give a reasonably correct decision. There are many folds and unfolds of the rules and regulations which are considered by the Judges. AI being extremely intelligent will tend to focus only on the black and white corner of the case however in reality, the focus needs to be on the grey area as well. Thus, answering the above questions, to draw a comparison of robots with judges might not be correct but these both can be put together as a helping hand of each other to work judiciously. The discussion shouldn't be about "Judges VS Robots", rather it should be about "Judges AND Robots."

VI. PROBLEMS ASSOCIATED WITH AI

It has been amply discussed about the roles and effects of AI in Judiciary. When we talked about the use of AI in courtrooms and AI in place of Judges, we came across several grounds to portray whether it can act as boon or bane to the field of Judiciary. If there are various pros of AI in Judiciary then there must be some cons as well to it.

Since the time technology has taken over human lives, threat of cyber crime has also taken birth. In past couple of years, cyber crime is on its peak. Each year the rate of cyber-attacks is increasing. There is around 18% surgency in cyber-attacks in year 2023 as compared to 2022. Nearly 2000 cases are being registered every week in India. This poses a highly problematic and concerning picture of technological usages. In courts, if data is stored in virtual form, it can have a risk of leakage of important information regarding the case, hacking of evidences and confidential data, hampering of privacy of victims and litigants, etc. There could be high

changes of data breaches and privacy issues. Especially in our country, where there is yet no proper mechanism to cater these issues, use AI in Judiciary, can potentially be put under a very disadvantageous technological tool.

We all are aware about employability crisis in various countries. It is expected that AI will replace 300 million jobs across the globe. In India, where the ratio of population is higher than the ratio of jobs available, the use of AI makes a huge contribution in escalating unemployability. Interference of AI in Judiciary may hamper the posts of judges, advocates, stenographer, etc. Though complete replacement of these positions by AI is not possible, but it has the potential to overshadow and supplement these roles in court rooms.

AI cannot be held accountable for the decisions and work it performs in legal system. It can compromise with reasonability, legality, and sustainability of its tasks performed. No one can guarantee whether AI can perform the work with utmost perfection and zero error in this justice giving field. Humans can be held liable of its judgements and working however, AI cannot.

VII. CONCLUSION

There is no doubt that invention of AI is tremendously grown in each and every field of current times. Its serves as a right hand of human beings in performing various tasks in less duration with better accuracy. Worldwide, Judicial authorities are exploring the future prospects of AI in Judiciary. Countries like USA, France, Japan and many more have endorsed the technology of AI in their legal field. Various other countries like India are also on its way to utilise AI in their Judiciary to its fullest. It cannot be denied that justice giving process should be fast, easily accessible and affordable to the citizens of a nation. Especially in country like India where there is huge pendency of cases, people struggle to get justice timely, hence, AI should be used in a very clever and matured manner to give hope and relief to the people suffering to seek justice. Former CJI S.A. Bobde welcomed the use of Artificial Intelligence in the field of law. He said that "AI is a path breaking invention in the field of technology and we all must take advantage of it in our filed of Judiciary as well. But he also contended that the quality of decision making should not be compromised on the cost of taking advantage of AI tool". This is the catch with the role and impact of AI in Judiciary. Any country's Judicial decision-making mechanism shouldn't wholly be relied on Artificial

Intelligence. Complete dependency on AI would be disastrous. Drastic shift in the system would lead to difficulty in adjusting. Having knowledge of highs and lows of AI technology is imperative to recognise AI under the eyes of law. This helps to give us a pragmatic view of where and how AI is expected to influence the traditional way of administration of law. Hence, the practising and administration of law should go arms in arms with Artificial Intelligence. One shouldn't overpower other each other. Therefore, to conclude the article, I would say that its correct to digitalise Judiciary for technological evolution but it must be done with both the eyes open.

© 2024. LawFoyer International Journal of Doctrinal Legal Research (ISSN: 2583-7753)